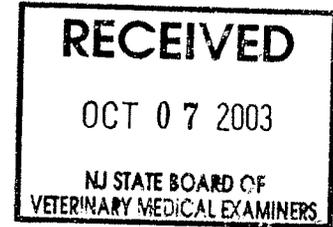


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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 10/7/03



By: Olga E. Bradford
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:

MARVIN A. BAYNES, JR., D.V.M.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners ("Board") following the Board's review of a consumer complaint filed by Rosemarie Santanello, on or about December 23, 2002, concerning the services rendered by Pennsauken Animal Hospital and specifically, Marvin A. Baynes, Jr., D.V.M., to her dog, "Lil' Dusty" on December 9, 2002. Mrs. Santanello alleged that Dr. Baynes engaged in professional misconduct and negligence in his treatment of Lil' Dusty.

Mrs. Santanello took Lil Dusty to the Pennsauken Animal Hospital ("Hospital"), on December 9, 2002, for grooming at approximately 10:00 a.m. While routine grooming is not offered at the Hospital, this service is provided for certain clients for animals who have difficulty with the grooming procedures. Upon his admission into the Hospital, Mrs. Santanello signed a Hospitalization Consent Form which, in the relevant portion,

stated that

. . . I do hereby consent and authorize the Pennsauken Animal Hospital and its staff to hospitalize this animal, and to administer vaccinations, medications, tests, surgical procedures, anesthetics or treatments that the doctors deem necessary for the health, safety or well-being of the above animal while it is under their care and supervision.

The groomer at the Hospital attempted to groom Lil' Dusty, however, the dog became excited, frightened and did not wish to be handled especially around the face and feet. Dr. Baynes observed the Hospital's groomer having a difficult time and made a decision to sedate Lil' Dusty so that the grooming could be performed safely. Dr. Baynes attempted to contact Mrs. Santanello telephonically in order to advise her of his decision, however his attempt was unsuccessful.

Dr. Baynes advised Mrs. Santanello of his decision to sedate Lil' Dusty at approximately 12:00 p.m. on December 9th. He indicated that the dog was doing fine but had some residual effects from the administration of the sedative. However, Mrs. Santanello was not convinced that the dog was recovering properly. However, after seeing Lil' Dusty, she and Dr. Baynes agreed that the dog would be discharged from the Hospital at 5:00 p.m. Mrs. Santanello later alleged that Dr. Baynes sedated her dog without her permission and that providing said sedative without her consent constituted professional misconduct and negligence on the respondent's part.

The Board's investigation into this matter further revealed that Dr. Baynes graduated from Tuskegee Veterinary School in May 2000 and was licensed as a veterinarian in this State in December 2000. He has been employed at the Hospital since his licensure. The Board's records indicate that Dr. Baynes' license expired on June 30, 2001 and that he failed to renew said license for the 2001-2003 licensure period. Dr. Baynes testified before the Board that his employment provisions with the Hospital required his employer to pay all of his licensure fees. Therefore, he was under the impression that his renewal fees had been paid in 2001 by his employer and that he was duly licensed as a veterinarian for the period of 2001 to 2003.

Having reviewed the entire record, including the testimony of Dr. Baynes, who appeared without counsel, at the investigative inquiry on April 30, 2003, it appears to the Board that there is no cause for action on the merits of the complaint in this matter. The Board finds that Mrs. Santanello's signature on the consent form permitted Dr. Baynes to sedate Lil' Dusty for the grooming.

However, the Board finds that the respondent engaged in the unlicensed practice of veterinary medicine for approximately two (2) years. The Board concludes that cause for disciplinary action against Dr. Baynes exists for unlicensed practice of veterinary medicine in this State in violation of N.J.S.A. 45:9-4. It appearing that the respondent desires to resolve this matter without the need for formal disciplinary proceedings; and the respondent acknowledging and not contesting the findings of fact and conclusions of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown:

IT IS on this *7th* day of *October* 2003,

ORDERED that:

1. The respondent, Marvin A. Baynes, Jr., D.V.M., is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,000.00 for engaging in the unlicensed practice of veterinary medicine in violation of N.J.S.A. 45:9-4. Payment for the civil penalty shall be submitted no later than ten (10) days from the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

2. The respondent shall cease and desist any practice of veterinary medicine

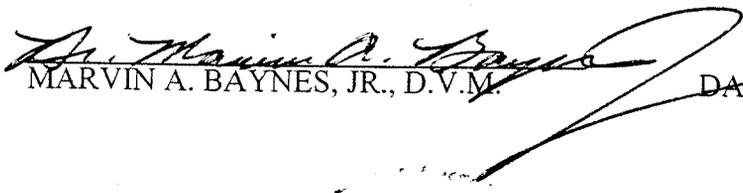
until such time as he is fully licensed by this Board. Any practice absent said licensure shall constitute the unlicensed practice of veterinary medicine and may subject the respondent to additional disciplinary proceedings and sanctions by this Board.

3. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: 
ALFRED R. SCERNI, JR., ESQUIRE
President

I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.


MARVIN A. BAYNES, JR., D.V.M. DATE: 10/1/05